



**REGULAR MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
NOVEMBER 5, 2012**

Regular Meeting

A Regular Meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building, on Monday, November 5, 2012 at 7:00 p.m.

Present

Mayor Daniel T. Drew, Deputy Mayor Robert P. Santangelo, Council Members Thomas J. Serra, Ronald P. Klattenberg, Mary A. Bartolotta, Gerald E. Daley, Hope P. Kasper, Grady L. Faulkner, Jr., Philip J. Pessina, Joseph E. Bibisi, Linda Salafia, Todd G. Berch, and Deborah A. Kleckowski; Corporation Counsel Daniel B. Ryan, Sergeant-at-Arms Officer James Lacasse, and Council Clerk Marie O. Norwood.

Also Present

Hartford Courant Reporter Shawn Beals, Middletown Press Reporter Jim Salemi, and fifty members of the public

Meeting Called to Order

Mayor calls the meeting to order at 7:06 p.m. and asks Firefighter Drew France to lead the public in the Pledge of Allegiance.

Call of Meeting Read

The Call of Meeting was read and accepted. Mayor Drew declares the Call a Legal Call and the Meeting a Legal Meeting.

The Mayor states before we get to the agenda, he wants to recognize former Mayor Sebastian Giuliano because they added his picture plaque and we had quite an adventure because of the brackets and states to the former Mayor if he wants to speak for a moment, he can. Former Mayor Giuliano states I look kind of pale on the plaque and I remember when you chaired your first meeting that your eyes tend to gaze over to the wall and you think about what your legacy will be. We did some good things and made inroads and tomorrow we may move closer to connecting to Mattabassett and we moved the senior center off the dime. When you look at the pictures you think about what they did or they saw it happen or started something or completed something. That is the story of Middletown government. The respect each administration gives to its predecessor is represented on that wall. He hopes they keep the tradition going.

Chair thanks him for his service. He states they have a number of fire fighters and police officers and wants to recognize them for their efforts during the recent storm. It was a big event and we did have our own challenges and our firefighters attended two structure fires during the height of the storm and the police answered a number of calls and medical issues and down trees and our public works crews were out all night long and Public Works had them cleared by the morning. By Tuesday, the roads were clear. One tree came across Newfield Street and they had it cleared in one hour. He thanks all the employees who did an incredible job during this storm.

**Motion to Accept/Amend
Agenda**

Chair states entertain motions to accept or amendment.

Councilman Serra also adds his kudos for their service during the storm and to former Mayor Giuliano being there. It takes time and effort and whether you agree or disagree, they put in the time and effort.

Councilman Serra moves to amend the agenda in the following manner: item 9 the \$2,500 is no longer needed and should be voted down; substitute agenda item 9 for the appropriation request for \$70,000 for the Legal Department and agenda item 12-4, substitute the job description for the Deputy Chief of Police. Add public hearing for comments on agenda item 5-2. Councilman Pessina seconds the motion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with 12 affirmative votes. The Chair recognizes Councilman Bibisi who is back with us and recognizes his efforts for the warming centers and the community came through to pay for the warming center. Councilman Bibisi states the community came through big time and we have reached our goal. They now have four sites for the warming centers and he names them. Recently, South Congregational Church was added. They will open November 18 and will be from 9 p.m. to 7 a.m. One thing the City will do is getting bus passes so people can get to the Eddy Shelter. They will provide showers and

washing machines to wash clothes three times a week. That will be our contribution from the City.

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| Agenda Item | 3 |
| Description | Presentation |

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| Agenda item | 3-1 |
| Description | Presentation to Fire Ops Participants |

The Chair goes to item 3-1 and calls forward Firefighters Steven Beeler and Patrick Ehman. Firefighter Sal Daquila joins them and states on October 6, Local 1073 Middletown Fire held the second fire ops. This fire ops program was a great success. Participants wore turnout gear, put out a structure fire, rescued a fire fighter and did a rapid intervention. They also performed an extrication. The participants saw technical rescues that Middletown fire performs. On behalf of Local 1073, he thanks the participants for their time for learning about their fire department. He thanks Steven Beeler and Patrick Ehman, the Fire ops, members, Local 1073, and the Fire Chief and Deputy for their help.

He states they wanted to recognize the people who participated on Oct. 6. He was glad it could happen and those who participated have a better understanding of what we experience in our work and why we ask what we ask for. It provides a better relationship between the City and Fire Department. He asks all the shadows to come to the front. He announces the participant's name and they receive a certificate and their Firefighter's hat. Certificates went to Mayor Daniel Drew; Chief of Staff Joseph Samolis; Councilman Philip Pessina; State Senator Len Suzio; and Viktoria Sundquist.

The Chair states thank you for the Fire Ops program and until you get into the burn trailer, it is hard to imagine how hellacious a fire is. The intense heat is overwhelming. We only faced a fraction of the heat firefighters actually face. It is intensely hot and every instinct I had was to turn around and run out. I always respected you and the work you do, but the experience gave me a new sense of respect. You truly are public servants and heroes. Councilman Pessina states 47 years ago I was elected Fire Chief for the Mayor for a Day program and after that day and until now, I chose law enforcement; the Fire Ops program made it a reality for me. I want to thank you for the wonderful job you do every day. I respect what you do.

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| Agenda Item | 3-2 |
| Description | Proclamation – Firefighter Drew France |

The Chair asks Firefighter Drew France to come forward; your family is welcome, too. He states Firefighter France was recently named Firefighter of the Year and we are incredibly proud of him. We did want to recognize you for your service. I have a proclamation. The Chair reads it and declares November 6, 2012, Drew France Day in Middletown. The Chair asks if Firefighter France if he would like to speak. He states he feels like he can retire after this honor.

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| Agenda Item | 4 |
| Description | Approval of Minutes |

The Chair asks for a motion to approve the minutes of the regular Common Council meeting of October 1, 2012 at 7 p.m. meeting; Special Meetings of October 1, 2012 at 6 p.m., October 11, 2012 at 7 p.m., and October 11, 2012 Immediately following the 7 p.m. meeting and October 23, 2012 at 7 p.m.; the minutes of the meetings having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council Member, the reading of the same having been dispensed with, Councilman Serra moves them for approval and there is a second by Councilman Santangelo. The Chair asks if there is any further discussion; hearing none, he calls for the vote. Councilman Pessina abstains from the meetings of October 11 as does Councilwoman Bartolotta, Councilman Faulkner, and Councilwoman Kasper; Councilman Bibisi abstains from the meetings of October 1 and October 11 and Councilwoman Salafia also abstains from those meetings; the other votes are ayes. The Chair states the minutes are approved with the noted abstentions.

Public Hearing Opens

The Chair opens the public hearing only on agenda item 5-2 at 7:29 p.m.

Earle Roberts states he has reservations to this appointment from the point of view that you scrutinized since it has been 3 or 4 years since Trina left the position. It will cost \$340,000 to pay for the attorneys. He expresses his concerns regarding the City Attorney's Office and raising his concerns.

Sebastian Giuliano sets the record straight; he was one of the original applicants when the posting went out in February and there were two other applicants that met the Qualifications at that time. One was Adrienne DeLucca, who is a single mom who worked her way through law school, got her JD, was hired as Deputy City Attorney, and left the City to join a labor law firm and the other was Tim Lynch who has been here since the Garafalo Administration and for the past two years was the Acting City Attorney and if I were in the office, I would have put Tim and I in second place and hired Adrienne. He does know what a difference a year makes; in his six years in office, every appointment he made had more scrutiny from the Council and the City than what we are doing here. His appointment for Ray Santostefano as Park and Rec Director, it didn't get rushed through. When he appointed Lynn as Police Chief and when her appointment came up, Councilman Serra asked for a two week postponement. When he appointed Tom Hartley, the town took as much time as needed. This appointment was made on October 31 and we are asked to vote on it in 5 days. Five days is really pushing it and the City needs to weigh-in. Attorney Smith has an impressive resume and there are questions that need to be asked. The City needs to feel confident that the right appointment is being made and in the final analysis, he may be the guy and he doesn't think a five-day process serves the interest of the Council or the City or the candidate for a full airing on his qualifications. You should take more time to do this especially since he won't be taking the job until January. Don't make it look like a rush job.

Molly Salafia states she worked as a summer intern in the City Attorney's Office with Trina Solecki, Adrienne Delucca and Tim Lynch. There were many lawsuits and she witnessed how hard they worked and to go into the vault to handle the paper work. She is shocked that Adrienne and Tim who did the work, didn't get the position but someone coming in cold. To vet this in five days and to take their experience and dumb it down and make it look better, she sits on Planning and Zoning and land use was not on the job qualifications. Why would you consider a person without land use qualifications. I can't sit on Planning and Zoning and have a budget come before me to hire outside legal consultants when we are in the process of hiring a City Attorney. Why go to outside Counsel for that. I don't understand why something that significant was left out of the job description for this person.

Public Hearing Closes

The Chair, seeing no other speakers on these matters, closes the public hearing on agenda item 5-2 at 7:38 p.m.

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| Agenda Item | 5 |
| Description | Questions to Candidate/Confirmation of Appointment of City Attorney |

The Chair states serious charges were leveled during the public hearing regarding the candidate and I would like to address them. The Chair stats tort reform has to happen on the State level; it is not in our jurisdiction. In terms of methodologies, that is what we are proposing. The City has spent millions on outside counsel and we are making an effort to reduce those and concerning better methodologies, they have worked with the insurance companies and because of some of the decisions made in past years, they are raising our efforts and we need to reduce the number of lawsuits and we are trying to do that. The Chair states a member of the public mentioned two or three candidates and unless he submitted a Freedom of Information request, that information was confidential and it was let go and that was extremely inappropriate and he will pursue that tomorrow because that is a serious breach of confidentiality. The notion of going through this too fast, the purpose is to vet the candidate. The Council has had time to vet the information. Two Council leaders, the minority and majority leaders and the Corporation Counsel as well as the Personnel Review Committee voted to move this candidate forward unanimously. It included a minority member and they could have raised questions. The purpose was to vet the candidate and that this is being rammed through the Council and the Council is not being given the opportunity to vet the candidate, this Attorney has land use experience for Lansing with six years and he is a graduate from Harvard.

Councilwoman Salafia states this is not appropriate. The Chair states he will recognize you in a moment. He would like to address concerns and there was a serious breach of confidentiality and he will address it.

The Chair asks Attorney Smith to come forward.

Point of Order

Councilwoman Salafia states it is not part of Robert's Rules of Order. The Chair states his comments were addressing serious charges made by the public.

The Chair asks Attorney Smith if he would like to comment; Attorney Smith states all politics is local and we have lively Council meetings. You can ask

why Middletown and candidly he states his wife moved back to Connecticut, after an amicable divorce, with his 5 year old son, Kai; he and Kai love Middletown. He is looking forward to being part of it. He brings a lot to the table. In Lansing, he was an aggressive advocate for the City and by talent and training, he is a litigator but by necessity he has been a real estate lawyer. He finished the final signing of \$245,000,000 casino deal for Lansing. It will be part of a convention center; that is exciting and complicated and they decided to earmark all the money for Lansing scholars. When schools do poorly, cities do poorly and they had to look at what the City could do and they did Lansing's promise. He has a broad skill set. I feel that I am at home here and will be happy to respond to any questions you have.

Councilman Berch asks there was a question about land use and he hopes it was addressed. He asks if you are knowledgeable about Taft Hartley Act and municipal pensions. Attorney Smith responds yes. Councilman Berch asks if he can elaborate on land use. Attorney Smith responds he is involved in the front end and when he needs help he gets help and one of the questions of inside versus outside and all the things you can do you should continue to do and land use he does understand. An outsider coming in, there are many assets here. He states Lansing has a river; he understands the concerns Middletown has and Lansing has similar concerns. Councilman Berch states he wasn't raised here; he moved here and was accepted by Middletown residents. What is the best asset in the City. Attorney Smith replies the central business district. Having been involved in Lansing, he was involved with parking and you are doing interesting things here.

The Chair asks for further questions. Councilman Serra states before the questions, he wants to thank Kathy Morey for setting up the interviews back in September. She did a great job. What is your knowledge in Middletown and our legal needs specifically. Attorney Smith states he touched on the general things, like the courthouse and the legal needs, when he looked at the budget, the size seemed alright, but it looked bottom heavy and needed more in-house legal structure. Councilman Serra asks your thoughts on outside legal counsel; we have had problems on that in the past. Attorney Smith replies there are two major needs: labor and litigation. He serves on the International Municipal committee and he has an understanding of what they do and we all face those needs. More typically we will be defending and you need a robust presence in-house. My philosophy is move from a very low deductible to self-insurance. Lansing has been known as an ATM; they have been known to pay to make it go away. Councilman Serra asks about the percentage; Attorney Smith states in Lansing they have between 12 and 24 lawsuits in-house and 12 - 24 outside. Councilman Serra states it is considering another deputy city attorney and will it have long term savings. Councilman Serra discusses residency. We have non-bargaining unit employees, a residency requirement. It says you are domiciled here and have to be here in a year. Attorney Smith states we are looking right now. In Lansing, I am a Lansing resident and I believe in my City. Even if you didn't have the requirement, I would be moving to Middletown. Councilman Serra states what is popular; Attorney Smith replies going to Amato's, Coldstone Creamery and showing Kai where dad works.

Councilman Klattenberg asks what was the size of legal staff in Lansing. Attorney Smith states eight attorneys and four staff and between three and four legal clerks. Councilman Klattenberg states your specialty is litigation; how many are being managed. Attorney Smith responds on a rolling average, we open and close between one and two dozen. Councilman Klattenberg asks what is your success rate. Attorney Smith states because they settle, he can't tell you but the largest hit has been well below the insurance limit. He explains the case and we kept it below the prior insurance limit. Councilman Klattenberg asks about labor litigation. Attorney Smith replies it is civil litigation, contract disputes, and development and when they defend, it is slip and fall, excessive force by police, any cases a City normally sees. Councilman Klattenberg states he has been on the Council a long time, one of the tensions he has seen is legal, between the legislative body and the mayor's office and sometimes the city attorney is not aware of who they work for. Councilman Klattenberg asks him who is employer is. Attorney Smith states it is the City; he discusses his publication in the Law Review regarding this subject. He states the executive legislative tension is there in any city and you have to decide whether it is executive or legislative power and that is where it goes. He worked for America's angriest Mayor and the Council who could fire him and he has done that for 6-1/2 years and that is longer than most city attorneys. Look at what I have done and that is the best answer.

Councilman Daley states he noticed the law review article and it is an element for being successful here and how you maintain your credibility with the mayor and council and the community at large. Can you tell me the toughest situation where you had to deal with that. Attorney Smith states when he first came to the office, they were in really bad shape financially and the Mayor decided he wanted to close golf courses. There are four. The Council said no. His first job

was to mediate or adjudicate it and I had to tell the Mayor who just hired me, I had to tell him no and he had to wait until the next budget period and he did. Councilman Daley states other than dealing with the tension, can you tell us what aspects of being city attorney in Lansing that you enjoyed the least. Attorney Smith states the day to day management. I am a good team builder and manager, but when you have to adjudicate, that is not fun but I am descent at doing that. He has had a good team in Lansing.

Councilman Faulkner states one of the concerns is that you were coming from one State to another; how does the legal community take to someone coming in and taking the top City Attorney spot. Attorney Smith states he is a member of the Connecticut Bar and there are differences in some requirements in degree and not of kind. Frankly, I will have to learn the differences and I am a quick study. Councilman Faulkner asks if it is important for relationship stand point to know judges and their history. Attorney Smith responds it is never bad to know the judge and he is doing that. Councilman Faulkner states Lansing is a big city and do you have police officers in the schools. Attorney Smith states yes they do; they do prosecution in Lansing and it gives him an appreciation for what the police do and he got courts and offices together and they are trying to do things correctly. Yes we are in schools. Councilman Faulkner asks what are the key provisions in a Memorandum of Understanding with having officers in schools. Attorney Smith responds the biggest thing is clear lines of authority. Who is responsible for what and if it doesn't cover that, that is when the officers will have problems. Councilman Faulkner states we talked about land use; what about the bidding process in Lansing and do you have thoughts on control to keep fraud out. Attorney Smith replies they are working on the bidding process in Lansing and it is friendly to Union and nonunion. He can make sure we are doing it properly. Councilman Faulkner states affirmative action; how extensive are your policies. Attorney Smith responds they are differently situated and they had Prop 2 that banned affirmative action. They lost the bid to intervene and they are waiting to hear what the status is of affirmative action. We had a robust policy, but have to navigate through Prop 2. Councilman Faulkner asks if it covered things like contracting. Attorney Smith states yes and explains what they were doing.

Councilman Pessina states just listening brought me back to September, and one of my questions was addressing city-wide technology initiatives. Attorney Smith states one of the things was to spearhead technology in the City. He understands organizations well and understands where bottlenecks occur. Simple contracting was getting lost. The City Attorney's office was being blamed and he put in place, a contracting procedure. They are looking to digitize that too. They wanted electronic processing for meetings. We would have situations before where the Council might not have had the correct resolution and we don't have that problem now because they now do it electronically. Councilman Pessina states we are on the cusp of doing that now. He states your involvement on crackdown on crack houses and cops on the streets and not in seats. We have a dynamic police chief and department; did you have a good relationship with the police chief. Attorney Smith responds he has a good relationship with Lansing's Police Chief. Councilman Pessina asks about the background of the program. Attorney Smith replies cops in the street and not in seats and he explains the situation and they have a lot of officers coming in for trials that are not called. If they call an officer, they are going to trial and if we don't, we will not. They have saved about \$4 million a year. Councilman Pessina states your discussion of cost efficiency and what you have done. You tell us the good things; what is your weakness. Attorney Smith states the weak spot is Connecticut law because he doesn't know it. He will pick it up quickly and he has resources and he hopes to make it a strength soon.

Councilman Bibisi states the Mayor has a task force called Code Enforcement and it addresses quality of life issues like blighted structures, abandoned houses and what is your experience with blight. Attorney Smith replies he was the first attorney to throw a slumlord in jail in 15 years. He knows how to do it. You are blessed with so many things. Lansing we have had to fight harder and you have to do it and keep at it. Councilman Bibisi states would you have objections to sitting on the Task Force. Attorney Smith responds no.

Councilman Santangelo states you mentioned you already know what our Charter says. Attorney Smith replies yes he has read it. Councilman Santangelo states he appreciates that and he looked at your resume and at Michigan State you graduated with the highest distinction. Attorney Smith states a lot of caffeine and late night study. Councilman Santangelo states he saw what you did at Harvard, Cum Laude, so you are not afraid of hard work. Attorney Smith says no. Councilman Santangelo states I heard you describe what being the city attorney in Lansing is like; you said criminal cases, land use and can you describe what you do. Attorney Smith states you have to be a generalist and you identify what you can drop and what you can't. He shows a task list and it is a list of every matter the City is facing. Councilman

Santangelo states the broad spectrum is criminal cases. Attorney Smith states yes; one of the fights they are in is a bicyclist who was ticketed and who is right, the City or the bicyclist. Councilman Santangelo states you talked about management style and can you explain your leadership style. Attorney Smith responds he has been managing people since his early 20's and it's best to have a team. There will be staff meetings and when you see what your colleagues are doing and what you are not, that is better than the boss telling you. He will probably take the same approach here.

Councilwoman Kasper states you mentioned about increasing deductible for insurance; that hasn't been the case in Middletown. They were spending \$1.2 million in attorney fees and they chose to go with a lower deductible and premium increase was small and she is trying to figure out why it worked in Lansing or did you litigate the cases. Attorney Smith states a nuisance case is they are going to pay me to go away if the case is meritless; over time, the risk stacks up. One of the messages he sent was there was a new sheriff in town and we would litigate and I will pay money on court fees and fight on first instances and over time, there has been a decrease in the number of nuisance cases. Councilwoman Kasper states we have cases now with outside counsel can you take over those cases. Attorney Smith responds yes. Councilwoman Kasper states you were litigating cases and not hiring out. Attorney Smith states we did both; what brought it down was decreasing the amount they were giving out and closely monitoring outside legal costs.

Councilman Faulkner states looking at the paperwork and you worked for a firm; you were there for five years and you specialized in management of complex litigation and chief of staff for the firm's biggest cases and that falls in line with what we are looking to do here and what goes into that. Attorney Smith responds one of the cases was antitrust litigation against IBM; in another case was the Department of Justice. They can keep going and going and we had four law firms and they were managing it with this (he shows his list) tool for that lawsuit. I understand the resources, how to deploy them and manage the team. Councilman Faulkner asks how you evaluate an outside service. Attorney Smith states reputation is important.

The Chair asks if there are further questions; seeing none, he calls on Councilwoman Kasper for resolution 5-1. Councilwoman Kasper reads it and moves it for approval. Councilman Serra seconds the motion.

The Chair recognizes Councilman Klattenberg who states he wants to thank the majority and minority leaders, the Personnel Review Commission Members, and the Mayor for bringing this candidate forward. He looked through his resume and it is astonishing how much he has accomplished in his career and it is remarkable. I liked his answer about the tension and we need that integrity and he agrees with Molly Salafia our Legal Department has been outstanding but your litigation expertise is so needed. You bring to the City an area of expertise that we need and your team building efforts are perfect for what we need now. I am looking forward to working with you, if you are approved.

Councilwoman Kleckowski brings forward some things and wanted the public to know that the Personnel Review Commission did not vet this candidate until Friday morning. Having meetings in the morning are not conducive to public involvement and meetings should be held at 7 p.m. Many of us work. That did not leave me time to speak with my caucus. I will support the candidate. He had an extensive interview process. He was grilled by the three of us and for the reason we desperately need a city attorney. She states to the Mayor and Council that people work and public meetings should be during public hours.

Councilwoman Salafia states she has a problem with the process; I did not agree with the change in the job description and I still feel that was a wrong move; she will not support the candidate and feels he is impressively qualified and thinks he is very over qualified going from a staff of 8 to a staff of 3. She did not have an opportunity to participate in the process and only got this on Thursday.

Councilman Pessina thanks the Mayor for serving on the initial panel and what everyone heard tonight was what we heard. I absolutely will support Attorney Smith. He is an outstanding choice and he was a consensus choice and Tim (Acting City Attorney) was by himself and did an outstanding job and he had a staff of none and with all that being said I truly believe if we confirm him we will have a dynamic City Attorney office for this City and we will do okay and he pledges to work with Attorney Smith, if he gets confirmed tonight.

Councilman Serra states as I mentioned, the committee was Jaime Mills, Dan Ryan, Carl Erlacher, Councilman Pessina and myself; and we were there at least an hour with each candidate. You did a great job at that meeting and apparently you did a great job at the meeting of the Personnel Review Commission. You bring what is necessary to the City and all the questions you

answered are on target with what we need. He will be supporting you and hopes you have a long tenure in Middletown.

Councilman Daley states he will support this nomination. He is convinced there was a thorough and open process for this selection. We heard about the interview panel that conducted the interviews and recommended Attorney Smith as their choice and he appeared before the Personnel Review Commission and before us tonight. He has outstanding educational credentials; he has strong private practice experience and strong experience as a city attorney in a larger community. The way he conducts himself, I was impressed. I strongly support his nomination and urge the Council to do the same.

Councilman Faulkner states he will vote on the assumption that due diligence has been done and the background checks have been completed and the young man has completed all those hurdles. He has reservations of his coming from another State and we need strength with labor and labor law and Connecticut has some unique challenges and he hopes you are a good study. He doesn't know the size of your city administration, but we have a lot of things we deal with inside this building and everyone is related and we bring our families with us. He states he will support the confirmation.

The Chair asks if other members would like to speak. Seeing none, he states he is proud to bring this nomination forward. Attorney Smith's credentials are impeccable and he did well with all the interviews. He was the unanimous choice of the committee.

The Chair calls for the vote. It is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Berch, and Kleckowski; and one nay vote by Councilwoman Salafia. The Chair states the matter passes with eleven affirmative votes and one negative vote.

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| Resolution No. | 200-12 |
| File Name | pebsmithconfirmcityatty |
| Description | Approving the appointment of Brigham Smith to the position of City Attorney and approving compensation at Salary Grade 23, Step 6 (\$66.88/hr) (\$130,790) 40 hours with benefits as defined by the Personnel Rules for exempt, nonbargaining unit Directors. |
| (Approved) | <p>Be it resolved by the Common Council of the City of Middletown: That Brigham C. Smith shall be confirmed to the position of City Attorney at Salary Grade 23, Step 6, (\$62.88) (\$130,790) 40 hours with benefits as defined by the Personnel Rules for exempt, non-bargaining unit Directors, effective January 2013. Resume attached.</p> <p>Be it further resolved that the Admission to the 2nd Circuit Court is waived for a period not to exceed one (1) year from date of appointment as applicant must be practicing in the State of Connecticut to qualify for admission.</p> <p>Financial Impact: Annual budgeted salary to be \$130,790. Offset in budgeted salary to be applied to appropriation request.</p> |

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| Meeting Recesses | Councilman Serra moves for a ten minutes recess; his motion is seconded by Councilwoman Kasper. The vote is called and it is unanimous to recess the meeting; the Chair declares the recess at 8:41 p.m. |
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| Meeting Reconvenes | The Chair calls the meeting to order at 8:54 p.m. |
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| Public Hearing Opens | The Chair opens the public hearing on all other items at 8:54 p.m. |
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Earl Roberts speaks to agenda items 12-1 and 12-2 relative to filling those positions saying we set up a critique quarterly or biannually on their jobs to justify their salaries. On agenda item 12-3 and item 12-4 the Chief and Deputy with no change in job description. He is sure they are justified and those increases, how much can the public pay for the increases for the expenditures. Item 8, this is the time for training on the Fire Department. His feeling we are giving them a benefit and it should be straight time. Item 9 will be pulled and we should use state buildings at CVH. The vehicles at fault and his concern is: are we doing a better job with new employees with their driving record. That should be looked at in the future. Resolution 12-7 the energy partnership and creating an authority he is fearful of more and bigger government. It gets more and more and there is a better way of doing this and they should show justification of doing this. He hopes the process is a good one. Resolution 12-10 regarding the Registrars of Voters are getting the benefits and are they part of the Union and if they need the benefits, maybe the Unions should pay for it. Agenda Item 12-6, the issue for \$6,000 for parking in the north end and he thought we paid money for parking and how much can we do for one part of

town. Lastly is 12-11 relative to the internet and putting the packet on site and that is great and his two questions are he hopes in contracting the firm doing this that background paperwork can be pulled and if there is can it pull one sheet at a time. Lastly not to be corny, what if all the power goes off at the time of the budget or agenda; has that been a question asked and can the material be supplied to the library like it is now. That needs to be discussed.

Sebastian Giuliano speaks to agenda items 12-1 and 12-2; at one time we did have a City Attorney with two deputy attorneys and what he would have liked to do is give them related areas that they are responsible for. We came on tough budget years and there was not stomach to fund three attorneys and things you do all the time, it is cheaper to fund in-house. Typical are the slip and fall cases and we should handle those types of cases. To have an attorney available for Zoning Board of Appeals, Planning and Zoning, and Inland Wetlands; many of those cases, if they had legal advice at the meeting, they would not have led to cases against Middletown. He doesn't know how to do this and put in an appropriation and the new city attorney is looking to operate with as much work in house and will need a staff to carry that out. On ordinance 12-11 to allow electronic transmission of documents; in his first year in office, he wanted to purchase laptops for everyone and as you can see the dais was hardwired in. That did not get enough traction and there were members of the Council that were technology adverse. It allows you to look at the same thing at the same time. I still think you have to serve a warrant and notice and that gives you jurisdiction to allow someone to help get a quorum. There is no reason why the material cannot be transmitted electronically and it should go out to the public at the same time.

Public Hearing Closes

The Chair asks if other members of the public wish to speak; seeing no one, he closes the public hearing at 9:06 p.m.

The Chair asks the Council Clerk to read the appropriation request and the Certificate of the Director of Finance.

Public Hearing Notice

Notice is hereby given that a meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on November 5, 2012, at 7 p.m. to consider and act upon the following:

AN ORDINANCE APPROPRIATING \$599,000 FOR CITY PUBLIC PARKING IMPROVEMENTS, CONSTRUCTION AND INFRASTRUCTURE AND AUTHORIZING THE ISSUE OF \$599,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

AN ORDINANCE APPROPRIATING \$600,000 FOR PARKING PUBLIC SAFETY AND SECURITY IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$600,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Any and all persons interested may appear and be heard. The complete text of each proposed Ordinance is on file and open to public inspection in the office of the City Clerk.

ATTEST:
Daniel T. Drew
Mayor

Certificate of Director
Of Finance

To: His Honor Mayor Daniel T. Drew
and Members of the Common Council
From: Finance
Date: October 31, 2012
RE: Certification of Funds

This is to certify that funds sufficient to meet the appropriations requested at your meeting of November 5 2012 are available as follows:

| | |
|------------------------------------|-----------|
| City Public Parking Improvements | \$599,000 |
| Construction and Infrastructure | |
| Ordinance Bond Issue | |
| Parking Public Safety and Security | \$600,000 |
| Improvements | |
| Ordinance Bond Issue | |

Respectfully submitted,

Carl Erlacher
Director of Finance

Description

Old Business – Bond Ordinances

Agenda Item

8-1

Waive the Rules

Councilman Serra reads section one of agenda item 8-1 appropriating \$599,000 for Parking Improvements and moves it for approval; Councilman Klattenberg seconds the motion.

Councilwoman Kasper moves to waive the rules to waive the reading of the rest of the ordinance. Her motion is seconded by Councilman Santangelo. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the motion to waive the reading carries unanimously

The Chair calls for discussion on the ordinance. He asks if this had a public hearing; the Clerk responds yes. The Chair calls for the vote by roll call:

| | |
|-------------------------|-----|
| Councilwoman Bartolotta | Aye |
| Councilman Berch | Aye |
| Councilman Bibisi | Aye |
| Councilman Daley | Aye |
| Councilman Faulkner | Aye |
| Councilwoman Kasper | Aye |
| Councilman Klattenberg | Aye |
| Councilwoman Kleckowski | Aye |
| Councilman Pessina | Aye |
| Councilwoman Salafia | Aye |
| Councilman Santangelo | Aye |
| Councilman Serra | Aye |

The Chair states the bond ordinance passes unanimously.

Ordinance No.
File Name
Description

23-12
PublicParkingimprovements (09-13-12)
Approving an ordinance appropriating \$599,000 for City Public Parking Improvements, Construction and Infrastructure and authorizing the issue of \$599,000 bonds of the City to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose.

(Approved)

Section 1. The sum of \$599,000 is hereby appropriated for various improvements, construction and infrastructure at City public parking facilities, including, without limitation, renovations at the Kid City Lot and the Russell Library Lot, the construction of the new King Avenue Lot and improvements to the Green Street Lot, the Hubbard Lot, the Main Street and Court Street metered spaces, the Melilli Lot, the Liberty Square Lot and the Liberty Street Lot, as well as engineering, architectural, inspection, site work, landscaping, trenching, lighting, piping, paving, curbing, marking, signage, equipment, consulting, testing, legal, administrative and financing costs as may be accomplished within said appropriation (hereafter the "Project"). The specific improvements and their location shall be determined jointly by the Parking Advisory Committee of the Council and the Parking Director, and may be made to any City public parking facility as so determined. Said appropriation shall be inclusive of state and federal grants in aid thereof.

Section 2. The expected useful life of the Project is in excess of twenty (20) years. The total estimated cost of the Project is \$749,000, approximately \$150,000 of which is expected to be paid from City sources (Parking Fund moneys) other than the proposed bond issue.

Section 3. To meet said appropriation \$599,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth (20th) year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer. The bonds shall be issued in an amount necessary to meet the City's share of Project costs determined after considering the estimated amounts of grants in aid of the Project and will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest (whether fixed or floating) as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds of each series, the annual installments of principal, maturity dates, prices, redemption provisions, if any, time of issue and sale, and other terms, details and particulars of such bonds, including the terms of any reserve that might be established as authorized herein, shall be determined by the Mayor and the City Treasurer in the best interests of the City and in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 4. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. If the bonds are sold by negotiation the purchase contract shall be approved by the Mayor and City Treasurer.

Section 5. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, as may be approved and executed by the Mayor and the City Treasurer, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council.

Section 7. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund future debt service payments on such bonds or notes or to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 8. In order to meet the capital cash flow expenditure needs of the City, the Director of Finance, with notice to and advice from the Mayor and the City Treasurer, is authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 9. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 10. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 11. The Mayor, the City Treasurer and the Director of Finance are each hereby authorized to apply for and accept any available State or Federal grant in aid of the financing of the Project, and to take all action necessary or proper in connection therewith.

Section 12. The City hereby expresses its official intent pursuant to 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid 60 days prior to and after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations authorized to be issued by the City. Such obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date as the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of any such reimbursement obligations, and to amend this declaration.

Section 13. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 14. This ordinance shall become effective fifteen days after its publication in a newspaper of general circulation in the City pursuant to Section 5 of the City Charter.

DEBT STATEMENT
September 30, 2012
CITY OF MIDDLETOWN, CONNECTICUT

| | |
|--|-------------|
| ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE") Fiscal Year Ended June 30, 2011 | 107,186,386 |
| BORROWING CAPACITY FOR EACH CLASS: | |
| 2-1/4 times base for General Purposes | 241,169,369 |
| 4-1/2 times base for Schools | 482,338,737 |
| 3-3/4 times base for Sewers | 401,948,948 |
| 3-1/4 times base for Urban Renewal | 348,355,755 |
| 3 times base for Unfunded Past Benefit Obligations | 321,559,158 |
| MAXIMUM AGGREGATE BORROWING CAPACITY: | |

| | | |
|---|-------------|-------------|
| 7 times Base | | 750,304,702 |
| INDEBTEDNESS BONDS AND NOTES: | | |
| GENERAL PURPOSES | 24,789,430 | |
| SCHOOLS | 23,376,320 | |
| SEWERS | 3,691,875 | |
| URBAN RENEWAL | - | |
| UNFUNDED PAST BENEFIT OBLIGATIONS | - | |
| BONDS AND NOTES AUTHORIZED BUT UNISSUED | | |
| GENERAL PURPOSES | 38,075,581 | |
| SCHOOLS | 1,973,449 | |
| SEWERS | 22,154,040 | |
| URBAN RENEWAL | - | |
| UNFUNDED PAST BENEFIT OBLIGATIONS | - | |
| CLEAN WATER FUND LOANS: | | |
| SEWERS | 5,543,763 | |
| SUB-TOTAL INDEBTEDNESS | 119,604,458 | |
| LESS | | |
| FEDERAL AND STATE OF CONNECTICUT BUILDING GRANTS, COMMITMENTS AND RECEIVABLES | | |
| GENERAL PURPOSE | - | |
| SCHOOLS | - | |
| SEWERS | - | |
| URBAN RENEWAL | - | |
| TOTAL DEDUCTIONS | 0 | |
| NET INDEBTEDNESS LESS TOTAL DEDUCTIONS | | 119,604,458 |
| BALANCE OF BORROWING CAPACITY FOR EACH CLASS | | |
| GENERAL PURPOSE | 178,304,358 | |
| SCHOOLS | 456,988,968 | |
| SEWERS | 370,559,270 | |
| URBAN RENEWAL | 348,355,755 | |
| UNFUNDED PAST BENEFIT OBLIGATIONS | 321,559,158 | |
| BALANCE OF MAXIMUM AGGREGATE BORROWING CAPACITY AVAILABLE | | 630,700,244 |

Agenda Item 8-2

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------|---|-------------------------|-----|------------------|-----|-------------------|-----|------------------|-----|---------------------|-----|---------------------|-----|------------------------|-----|-------------------------|-----|--------------------|-----|----------------------|-----|-----------------------|-----|------------------|-----|
| | Councilman Santangelo reads through section one of the bond ordinance for \$600,000 for Parking Safety and Security Improvements and moves it for approval. | | | | | | | | | | | | | | | | | | | | | | | | |
| Waive the Rules | <p>Council Pessina moves to waive the rules to waive the reading of the rest of the ordinance; Councilwoman Kasper seconds the motion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes.</p> <p>Councilman Serra is recognized and states one is for the improvement of all the lots and the camera images are dispatched to the Police Department we are spending the money to improve all the parking lots.</p> <p>Councilman Berch is recognized and states the motion needs to be seconded. The Chair asks for second. Councilman Berch seconds the motion. The Chair asks for further discussion; seeing none, he calls for the vote by roll call:</p> <table><tr><td>Councilwoman Bartolotta</td><td>Aye</td></tr><tr><td>Councilman Berch</td><td>Aye</td></tr><tr><td>Councilman Bibisi</td><td>Aye</td></tr><tr><td>Councilman Daley</td><td>Aye</td></tr><tr><td>Councilman Faulkner</td><td>Aye</td></tr><tr><td>Councilwoman Kasper</td><td>Aye</td></tr><tr><td>Councilman Klattenberg</td><td>Aye</td></tr><tr><td>Councilwoman Kleckowski</td><td>Aye</td></tr><tr><td>Councilman Pessina</td><td>Aye</td></tr><tr><td>Councilwoman Salafia</td><td>Aye</td></tr><tr><td>Councilman Santangelo</td><td>Aye</td></tr><tr><td>Councilman Serra</td><td>Aye</td></tr></table> <p>The Chair states the bond ordinance passes unanimously.</p> | Councilwoman Bartolotta | Aye | Councilman Berch | Aye | Councilman Bibisi | Aye | Councilman Daley | Aye | Councilman Faulkner | Aye | Councilwoman Kasper | Aye | Councilman Klattenberg | Aye | Councilwoman Kleckowski | Aye | Councilman Pessina | Aye | Councilwoman Salafia | Aye | Councilman Santangelo | Aye | Councilman Serra | Aye |
| Councilwoman Bartolotta | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Councilman Berch | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Councilman Bibisi | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Councilman Daley | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Councilman Faulkner | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Councilwoman Kasper | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Councilman Klattenberg | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Councilwoman Kleckowski | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Councilman Pessina | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Councilwoman Salafia | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Councilman Santangelo | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Councilman Serra | Aye | | | | | | | | | | | | | | | | | | | | | | | | |
| Ordinance No. | 24-12 | | | | | | | | | | | | | | | | | | | | | | | | |
| File Name | ParkingPublicSafetyandsecurityImprovements(09-13-12) | | | | | | | | | | | | | | | | | | | | | | | | |
| Description | Approving an ordinance appropriating \$600,000 for Parking Public Safety and Security Improvements and Authorizing the issue of \$600,000 bonds of the City to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose. | | | | | | | | | | | | | | | | | | | | | | | | |
| (Approved) | <p>Section 1. The sum of \$600,000 is hereby appropriated for the purchase and installation of security cameras, emergency telephones and supportive information technology infrastructure for City public parking facilities, including, without limitation, architectural, engineering, inspection, site work, landscaping, signage, hardware components, lighting, software systems, trenching,</p> | | | | | | | | | | | | | | | | | | | | | | | | |

piping, installation, configuration services, training and support, equipment, consultants, testing, legal, administrative and financing costs as may be accomplished within said appropriation (hereafter the "Project"). The specific improvements and their location shall be determined jointly by the Parking Advisory Committee of the Council and the Parking Director, and may be made to any City public parking facility as so determined. Said appropriation shall be inclusive of state and federal grants in aid thereof.

Section 2. The expected useful life of the Project is in excess of ten (10) years. The total estimated cost of the Project is \$700,000, approximately \$100,000 of which is expected to be paid from City sources (Parking Fund moneys) other than the proposed bond issue.

Section 3. To meet said appropriation \$600,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the tenth (10th) year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer. The bonds shall be issued in an amount necessary to meet the City's share of Project costs determined after considering the estimated amounts of grants in aid of the Project and will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest (whether fixed or floating) as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds of each series, the annual installments of principal, maturity dates, prices, redemption provisions, if any, time of issue and sale, and other terms, details and particulars of such bonds, including the terms of any reserve that might be established as authorized herein, shall be determined by the Mayor and the City Treasurer in the best interests of the City and in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 4. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. If the bonds are sold by negotiation the purchase contract shall be approved by the Mayor and City Treasurer.

Section 5. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, as may be approved and executed by the Mayor and the City Treasurer, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council.

Section 7. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund future debt service payments on such bonds or notes or to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 8. In order to meet the capital cash flow expenditure needs of the City, the Director of Finance, with notice to and advice from the Mayor and the City Treasurer, is authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 9. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 10. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 11. The Mayor, the City Treasurer and the Director of Finance are each hereby authorized to apply for and accept any available State or Federal grant in aid of the financing of the Project, and to take all action necessary or proper in connection therewith.

Section 12. The City hereby expresses its official intent pursuant to 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid 60 days prior to and after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations authorized to be issued by the City. Such obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date as the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance

or his designee is authorized to pay project expenses in accordance herewith pending the issuance of any such reimbursement obligations, and to amend this declaration.

Section 13. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 14. This ordinance shall become effective fifteen days after its publication in a newspaper of general circulation in the City pursuant to Section 5 of the City Charter.

DEBT STATEMENT
September 30, 2012
CITY OF MIDDLETOWN, CONNECTICUT

| | |
|--|-------------|
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| 4-1/2 times base for Schools | 482,338,737 |
| 3-3/4 times base for Sewers | 401,948,948 |
| 3-1/4 times base for Urban Renewal | 348,355,755 |
| 3 times base for Unfunded Past Benefit Obligations | 321,559,158 |
| MAXIMUM AGGREGATE BORROWING CAPACITY: 7 times Base | 750,304,702 |
| INDEBTEDNESS BONDS AND NOTES: | |
| GENERAL PURPOSES | 24,789,430 |
| SCHOOLS | 23,376,320 |
| SEWERS | 3,691,875 |
| URBAN RENEWAL | - |
| UNFUNDED PAST BENEFIT OBLIGATIONS | - |
| BONDS AND NOTES AUTHORIZED BUT UNISSUED | |
| GENERAL PURPOSES | 38,075,581 |
| SCHOOLS | 1,973,449 |
| SEWERS | 22,154,040 |
| URBAN RENEWAL | - |
| UNFUNDED PAST BENEFIT OBLIGATIONS | - |
| CLEAN WATER FUND LOANS: | |
| SEWERS | 5,543,763 |
| SUB-TOTAL INDEBTEDNESS | 119,604,458 |
| LESS | |
| FEDERAL AND STATE OF CONNECTICUT BUILDING GRANTS, COMMITMENTS AND RECEIVABLES | |
| GENERAL PURPOSE | - |
| SCHOOLS | - |
| SEWERS | - |
| URBAN RENEWAL | - |
| TOTAL DEDUCTIONS | 0 |
| NET INDEBTEDNESS LESS TOTAL DEDUCTIONS | 119,604,458 |
| BALANCE OF BORROWING CAPACITY FOR EACH CLASS | |
| GENERAL PURPOSE | 178,304,358 |
| SCHOOLS | 456,988,968 |
| SEWERS | 370,559,270 |
| URBAN RENEWAL | 348,355,755 |
| UNFUNDED PAST BENEFIT OBLIGATIONS | 321,559,158 |
| BALANCE OF MAXIMUM AGGREGATE BORROWING CAPACITY AVAILABLE | 630,700,244 |

Agenda Item 8
Description

Old Business – Memorandum of Understanding

The Chair calls on Councilman Klattenberg for resolution 183-12, old business. Councilman Klattenberg reads and moves the item regarding a MOU with the Firefighters Union for approval. Councilman Santangelo seconds the motion. The Chair asks if there is any discussion. Hearing none, he calls for the vote on this matter. It is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Berch and Kleckowski; and one nay vote by Councilwoman Salafia. The Chair states the matter passes with eleven affirmative votes and one in opposition.

Resolution No. 201-12
File Name ccmoucityandfirefortrainingspecializedequpes2012
Description Approving a Memorandum of Understanding between the City of Middletown and Local 1073, International Association of Firefighters, AFL-CIO to provide for training on specialized equipment and authorizing the Mayor to sign it.

(Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Mayor is authorized to sign a memorandum of Understanding between the City of Middletown and

Local 1073, International Association of Firefighters, AFL-CIO to provide for training on new specialized apparatus which may require the use of overtime with the Fire Chief or his designee responsible for the determination of how many and who will attend the training.



Memorandum of Understanding

Between
The City of Middletown
And

Local #1073, International Association of Firefighters, AFL-CIO

Whereas, the City of Middletown, hereinafter referred to as the City, and Local #1073, International Association of Firefighters, AFL-CIO, hereinafter referred to as the Union, have a Collective Bargaining Agreement (CBA) in force until June 30, 2014; and

Whereas, the Union filed a Prohibitive Practice and Grievance 12-13-12-11M citing failure to bargain for training of new fire apparatus Truck 1 by the Sutphen Corporation; and

Whereas, the City and the Union have met to discuss resolution of both of these issues.

Now, therefore the City and the Union stipulate to the following:

1. The City acknowledges that overtime is considered a term and condition of employment which is stipulated as a mandatory subject of collective bargaining.
2. The city further acknowledges that overtime of time and on-half (1.5) shall be paid for the training of any new specialized apparatus
 - a. Specialized apparatus shall be defined as a singular apparatus (only type within the fleet) that may require additional training over and above daily use. For the purpose of this understanding, pumping apparatus shall not be considered specialized.
 - b. The City and the Union agree that the first right of refusal for any and all training on specialized apparatus will be offered to those assigned to that apparatus or may have served on the purchase committee. The Chief or his designee, will make the final determination on which personnel will be assigned to take the training and how many will attend the training
3. The Union agrees to withdraw grievance 02-13-12-11M; and its corresponding MPP.

This Settlement Grievance is entered into without precedent or prejudice to either party.

FOR THE CITY

FOR THE UNION

Daniel T. Drew, Its Mayor

Salvatore D'Aquila, Its President

Dated: _____

Dated: _____

Agenda Item 9
Description **Appropriation Requests**

The Chair requests the Council Clerk to read the appropriation requests and the Certificate of the Director of Finance:

MAYOR'S OFFICE
MUNICIPAL BUILDING

Notice is hereby given that a regular meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on **MONDAY, NOVEMBER 5, 2012 AT 7:00 p.m.** to consider and act upon the following appropriation requests:

| | |
|---------------------------|--|
| Park and Recreation | \$4,000, Account No. 1000-26500-59200-0738, Youth Grants, General Fund |
| Personnel Department | \$50,000, Account 1000-17000-55135, Arbitration Services, General Fund. |
| Health and Human Services | \$2,500, Account No. 1000-265000-59200-0726, Shelter Services, General Fund. |
| Legal Department | \$70,000, Account No. 1000-05000-51110, Salaries – Full Time, General Fund |
| Police Department | \$80,000, Account No. 1000-18000-53140-0180, Lethal/Less Lethal Supplies & Munitions, General Fund |

Public Works \$15,000, Account No. 2380-22000-55185, Contractual Services, Landfill, Waste, Recycling Fund (Bulky Waste)

Emergency Management \$2,400, Account No. 2380-25500-54110, Telephone, General Fund.

Any and all persons interested may appear and be heard.

ATTEST:
DANIEL T. DREW
Mayor

Certificate of Director
Of Finance

To: His Honor Mayor Daniel T. Drew
 and Members of the Common Council

From: Finance

Date: October 31, 2012

RE: Certification of Funds

This is to certify that funds sufficient to meet the appropriations requested at your meeting of November 5, 2012 are available as follows:

General Fund \$208,900

Water Fund \$ 15,000

Respectfully submitted,

Carl Erlacher
Director of Finance

Point of Information

Councilman Serra states as a point of information remember the Health and Human Services request, to vote in the negative because the community has donated to that cause.

Park and Recreation:

Councilman Berch is recognized by the Chair and moves for approval the Park and Recreation request for \$4,000; his motion is seconded by Councilman Pessina. There is no discussion. The Chair calls the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes.

Park and Recreation
(Approved)

\$4,000, Account No. 1000-26500-59200-0738, Youth Grants, General Fund

Personnel Department:

Councilwoman Kasper reads and moves the Personnel Department appropriation request for approval; her motion is seconded by Councilman Klattenberg. There is no discussion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes.

Personnel Department
(Approved)

\$50,000, Account 1000-17000-55135, Arbitration Services, General Fund.

Health and Human Services:

Councilman Faulkner reads and moves for approval the appropriation request for the Health and Human Services in the amount of \$2,500; his motion is seconded by Councilman Santangelo

The Chair states that Corporation Counsel Ryan has stated that it was removed. Councilman Faulkner responds it needs to be voted down because it is an appropriation request. The Chair, hearing no discussion, calls for the vote. The matter is defeated unanimously with zero aye votes and twelve nay votes. The Chair states the matter fails unanimously with twelve opposed.

Health and Human
Services
(DEFEATED)

\$2,500, Account No. 1000-265000-59200-0726, Shelter Services, General Fund.

Legal Department:

Councilwoman Bartolotta reads and moves for approval the Legal Department appropriation request in the amount of \$70,000; her motion is seconded by Councilman Serra. There is no discussion; the Chair calls for the vote and the matter passes with eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Berch, and Kleckowski; and one nay vote by Councilwoman Salafia. The Chair states the matter passes with eleven affirmative votes and one in opposition.

Legal Department **\$70,000, Account No. 1000-05000-51110, Salaries – Full Time, General Fund**
(Approved)

Police Department:

Councilman Santangelo reads and moves the Police Department appropriation request for approval and his motion is seconded by Councilman Pessina. The Chair calls for discussion; hearing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes.

Police Department **\$80,000, Account No. 1000-18000-53140-0180, Lethal/Less Lethal Supplies & Munitions, General Fund**
(Approved)

Emergency Management:

Councilman Serra reads and moves for approval the Emergency Management Department appropriation in the amount of \$2,400; his motion is seconded by Councilman Pessina. Councilman Faulkner asks if this a onetime request or on-going. The Chair states it needs to be available and they are portable phones. Councilman Faulkner asks if it is every month; the Chair responds, no; it is the annual cost. The Chair calls for the vote and the matter is approved unanimously with twelve aye votes. The Chair states the matter passes unanimously.

Emergency Management **\$2,400, Account No. 2380-25500-54110, Telephone, General Fund.**
(Approved)

Public Works:

Councilman Berch reads and moves for approval the Public Works appropriation request in the amount of \$15,000 from the Recycling Fund; his motion is seconded by Councilman Serra. Councilman Berch states this request is for renting a very large grinder to grind wood from the downed trees and to buy it is very costly. To have this available to operate after the storm, he commends Director Russo and Public Works for procuring this machine beforehand to clean the streets. The Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes.

Public Works **\$15,000, Account No. 2380-22000-55185, Contractual Services, Landfill, Waste, Recycling Fund (Bulky Waste)**
(Approved)

| | |
|---------------------------|--|
| <u>Agenda Item</u> | 10 |
| <u>Description</u> | Department, Committee, Commission Reports and Grant Approvals |

Councilman Serra reads and moves for approval agenda items 10A, 10B, 10C, 10D, and 10E; his motion is seconded by Councilman Pessina. There is no discussion. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes.

| | |
|---------------------------|---------------------------------|
| <u>Agenda Item</u> | 10A |
| <u>Description</u> | Town Clerk Certification |
| <u>(Approved)</u> | |

November 2, 2012
I, Sandra Russo Driska, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on October 3, at 7:00 p.m. and specials meetings on October 3, 2012 at 6:00 p.m., October 13, 2012 at 7:00 p.m., October 11, 2012 after the 7 p.m. meeting, and October 23, 2012 at 7 p.m. have been advertised in the local newspaper.

Attest:
Sandra Russo Driska
City & Town Clerk

Agenda Item
Description
(Approved)

10B
Monthly Reports
Finance Department – Transfer Report to October 22, 2012
Public Works Report with summary/Bldg Permits for September, 2012

Agenda Item
Description
(Approved)

10C
Grant Confirmation and Approval – Board of Education, Various Grants
Name of Grant: Various
Amount \$2,101,684.57
Code: 2450-33000-
Grant Period: **From:** 7/1/2012 **To:** 6/30/201
Type of
Amount Loaned from General \$0.00
Department Administering Middletown Board of Education
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this 802/882 - Title I-Improving Basic Programs-Public & N. Public \$685,855; 810 - Idea -Part B, Section 611-Public (\$19,905); 812 - Idea-Part B, Section 619 (\$446); 817/871 Title II-Part A-Teachers-Public & N. Public \$231,575; 819 - Out of Town Magnet School Transportation \$2,600; 835 - Alliance Grant \$796,637; 852 - Universal Service Fund \$30; 854 - United Way-Youth Services Development \$200; 866 - Hartford Symphony Mayor's Ball \$9,000; 874 - Educational Incentive Grant \$49,500; 877 - Carl D. Perkins Career & Tech Ed \$56,499; 894 - Swaim Strings Program \$2,485; 700 - Food Services Receipts \$75,882.35; 801 - Retiree/Cobra Insurance \$61,349.82; 803 - Workers' Compensation \$2,100.50; 804 - Preschool Program Fees \$750; 807 - Aetna Classified \$461.56; 809 - Maintenance/Rentals \$335; 833 - Adult Education Receipts \$118,350; 893 - Fingerprinting Receipts \$709.50; 895 - Special Ed-Tuition Reimbursement \$27,715.84 Total Special Programs Through 9/17/2012 \$5,882,796.81 ADDITIONS \$2,101,684.57 Total Special Programs Through 10/17/2012 \$7,984,481.38
Requested by: Patricia Charles

Agenda Item
Description
(Approved)

10D
Grant Confirmation and Approval – Police Department
Name of Grant: Middletown Strategic Prevention State Incentive
Amount \$5,000.00
Code: 3412-18000-
Grant Period: **From:** 8/1/2012 **To:** 6/30/201
Type of State
Amount Loaned from General \$5,000.00
Department Administering Police Department
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this This grant is to cover overtime costs associated with the enforcement of underage drinking laws. For example: alcohol compliance checks of local businesses, party patrols, etc. Funds used are reimbursed 100% by Rushford.
Requested by: Captain Michael Timbro

Agenda Item
Description
(Approved)

10E
Emergency Purchase – Water and Sewer, GEO Technical Investigation

Agenda Item
Description
(Approved)

11
Payment of City Bills when properly approved.

Councilman Serra moves payment of all City bills whenproperly approved, agenda item 11, for approval; Councilwoman Salafia seconds the motion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes.

Agenda Item
Description

12
Resolutions, Ordinances, etc.

Agenda Item

12-1

Councilwoman Kasper reads and moves agenda item 12-1 for approval and her motion is seconded by Councilman Pessina. Councilwoman Kleckowski states she has a question; if the job descriptions are approved, will there be a recruitment. The Chair states he doesn't believe so; he thinks the candidate

pool had highly qualified people. Councilwoman Kleckowski states it is not good to hire before a job description is approved and she will not support 12-1 and 12-2. The Chair states no appointment has been made. Councilwoman Kleckowski states it is from the same pool. She asks will the job go back out or just taking from the pool of candidates. That is her objection. If we change the job description, we should have a new recruitment.

Councilman Faulkner states on the description, it had a range but on the actual resolution it has a dollar figure. The Chair responds he thinks the resolution has a grade and step.

The Chair calls for the vote. It is ten affirmative votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Berch and two nay votes by Council Members Salafia and Kleckowski. The Chair states the matter passes with ten affirmative votes and two in opposition.

| | |
|----------------|---|
| Resolution No. | 202-12 |
| File Name | pe11512ModificationDeputyCityattorneyres |
| Description | Pe11512deputycityattorneyjobdescription |
| (Approved) | Approving a new position for Deputy City Attorney, Non Bargaining, Salary Grade 21 (\$39.40 - \$58.30) and approving the job description for inclusion in the City's Classified Plan. |

Be it resolved by the Common Council of the City of Middletown:
That the new position of Deputy City Attorney, Grade 21 Non-Bargaining Unit (\$39.40-\$58.30) and corresponding job description be established for inclusion in the City's Classification plan effective upon Council approval.

Financial Impact: Annual budgeted salary to be \$121,264. Increase in salary line to be applied through appropriation request

| | | | |
|-------------|----------------------|---------------|--------|
| Title: | Deputy City Attorney | | |
| Department: | Legal | | |
| Date: | November 2012 | Salary Grade: | 21 (E) |

Purpose of Position
The purpose of this position is to provide legal representation to the City, to provide legal advice and prepare legal opinions for the City in matters requiring interpretation of state, federal and local laws, regulations and contracts. **Litigates cases on behalf of the City and represents the City on labor relations matters.** The work is performed under the direction of the City Attorney.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Researches legal issues. Prepares litigation pleadings, memoranda, letters, legal opinions; maintains legal publications.
- **May Represent the City on matters involving labor relations including but not limited to Arbitrations, Grievance proceedings, CCHRO and negotiations as assigned.**
- **May litigate cases on behalf of the City as assigned.**
- Attends Council, board and commission meetings; meets with City officials and employees; meets with Mayor or Mayor's staff to provide legal advice and assistance.
- Administers the Legal Department in the absence of the City Attorney.
- Attends Court, arbitration hearings and other proceedings.
- Review contracts and mail.
- Assists special counsel as needed.
- Performs site visits for code enforcement or road project issues.
- Performs other related functions as assigned or required.

Minimum Training and Experience Required to Perform Essential Job Functions

Juris Doctor, Admission to Practice before the Connecticut Courts and Admission to Practice before Federal Courts with a minimum of four years of general law experience.

Physical and Mental Abilities Required to Perform Essential Job Functions
Language Ability and Interpersonal Communication

- Requires the ability to perform upper-level data analysis, including the ability to hypothesize, theorize and assimilate, to modify or adapt existing policies/methods to meet unusual conditions within the context of existing theories and management principles.
- Requires the ability to apply principles of negotiation within the context of legal guidelines.
- Requires the ability to utilize reference, descriptive, consulting, design and advisory data and information such as pleadings, contracts, bid documents, legal opinions, statutes, City Charter, ordinances, law books, legal briefs, non-routine correspondence, economic analysis, and organizational analysis.
- Requires the ability to communicate orally and in writing with the City Attorney, Mayor, Common Council, City Department Heads and Directors, City employees and officials, boards, commissions, committees, other attorneys, Court personnel, Judges, the media and the public.

Mathematical Ability

- Requires the ability to perform addition, subtraction, multiplication and division; and to calculate percentages and decimals.

Physical Requirements

- Requires the ability to operate, calibrate, tune and synchronize, and perform complex rapid adjustment on equipment, machinery and tools such as a computer and other office machines and/or related materials used in performing essential functions.
- Requires the ability to coordinate eyes, hands, feet and limbs in performing coordinated movements such as typing.
- Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and pulling of objects weighing five to ten pounds.
- Requires the ability to recognize and identify degrees of similarities or differences between characteristics of colors, shapes, sounds, and textures associated with job-related objects, materials and tasks.

Environmental Adaptability

- Ability to work under generally safe and comfortable conditions where exposure to environmental factors may cause discomfort and poses a limited risk of injury.

The City of Middletown is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Agenda Item **12-2**

Councilwoman Bartolotta reads and moves for approval agenda item 12-2; her motion is seconded by Councilman Santangelo.

Councilwoman Kleckowski reiterates her objection. If changing a job description, you need to repost. The Chair states every attorney who came in, met these requirements and then some and they will pool from them. Councilwoman Salafia states the deputy will come from the attorney pool. The Chair states he said if he chooses to do that. Councilwoman Salafia asks what the status is for recruitment. The Chair states it depends on what you do here. Councilwoman Salafia asks if you have advertised for a deputy. The Chair states they have not advertised it and the position has to be created.

The Chair calls for the vote. It is nine aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Berch and two nay votes by Council Members Salafia and Kleckowski. The Chair states the matter passes with ten affirmative votes and two in opposition.

| Resolution No. | File Name | Description |
|-----------------------|------------------|--------------------|
| | | |

203-12
pe11512seconddeputyattorneyposapp
Approving the inclusion of a second Deputy City Attorney position in the
Legal Department, Nonbargaining, Salary Grade 21 (\$39.40 - \$58.30)
effective upon Council Approval.

(Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the City approves for inclusion a second Deputy City Attorney position in the Legal Department Salary Grade 21, non-bargaining (\$39.40 - \$58.30) effective upon Council approval.

Financial Impact: Annual budgeted salary to be \$121,264. Delay start date of April 2-013 to be considered in appropriation request.

Agenda Item **12-3**

Councilwoman Kasper reads and moves for approval agenda item 12-3; her motion is seconded by Councilman Pessina. The Chair asks if there is any discussion. Seeing none, he calls for the vote. It is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Berch and Kleckowski; and one nay vote by Councilwoman Salafia. The Chair states the matter passes with eleven affirmative votes and one in opposition.

| Resolution No. | File Name | Description |
|-----------------------|------------------|--------------------|
| | | |

204-12
pechiefofpolice
Approving the position of chief of Police, Salary Grade 21, Nonbargaining (\$39.40 - \$58.30) be changed to Salary Grade 23, Nonbargaining (\$42.49 - \$62.88) with no change in job description.

(Approved)

Be it resolved by the Common Council of the City of Middletown: That the position of Chief of Police Salary Grade 21 Non-Bargaining (\$39.40 \$58.30) be change to Salary Grade 23 Non-Bargaining (\$42.49 - \$62.88) with no change in job description.

Financial Impact: Increase of \$9.526 to be funded through salary reserves

Position Description

Title: Chief of Police
Department: Police

Date: August 2012 Revised November 2012 Salary Grade: 23

Purpose of Position

The purpose of this position is to command the Middletown Police Department, direct and supervise all subordinates including command staff and to ensure that the department mission is accomplished in accordance with applicable laws, regulations, policies and procedures. The work is performed under the direction of the Mayor.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Commands and directs the Police Department operations, programs and staff; establishes priorities, goals and objectives; ensures compliance with applicable laws, regulations and procedures.
- Develops, reviews and administers the department budget; reviews major purchases and capital expenditures.
- Directly supervises department personnel including command personnel; recommends candidates for hiring and promotion to the Mayor; provides training and instruction; plans, coordinates, assigns and reviews work; maintains standards; allocates personnel and issues performance evaluations on Deputy Chief and some Captains.
- Supervises major police activities to work towards long and short-term goals of the department; maintains high morale, efficiency and effectiveness of all department personnel and programs.
- Negotiates the police contract for management; resolves serious labor-management issues; dispenses discipline including suspensions where necessary.
- Acts as liaison and represents the department in dealing with other City agencies and the Board of Education. Represents the department in dealing with the media.
- Responds to all major incidents and emergencies and assumes command at the scene.
- Attends Mayor's weekly Director's meetings. Attends meetings of the Common Council, Public Safety Commission and Public Safety Telecommunications Commission; Attends Conn. Chiefs of Police Association and related meetings and seminars. Represents all Conn. Chiefs as a member of the Policy Board of the New England State Police Information Network.
- Responds to and addresses serious citizen complaints about the department.
- Maintains knowledge base regarding current issues and trends in police administration and enforcement issues; attends mandated training to retain certification as a sworn police officer.
- Performs other related functions as assigned or required.

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's Degree in Public Administration, Criminal Justice or a related field with Master's level course work in the field (Master's degree preferred) and POST Police Officer Certification with five to seven years of police/command experience or any combination of education and experience that provides equivalent knowledge, skills and abilities. Position requires possession of a valid Connecticut driver's license.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

- Requires the ability to perform upper-level data analysis, including the ability to hypothesize, theorize and assimilate, to modify or adapt existing policies/methods to meet unusual conditions within the context of existing theories and management principles.
- Ability to manage and direct a group of workers, including the ability to provide counseling and mediation. Ability to persuade, convince and train others. Ability to advise and interpret regarding the application of policies, procedures and standards to specific situations.
- Requires the ability to utilize reference, descriptive, consulting, design and advisory data and information such as contracts, grievances, police reports, permits, licenses, budgets, laws, regulations, statutes, ordinances, rules, regulations, legal briefs, economic analysis, and organizational analysis.
- Requires the ability to communicate orally and in writing with the Mayor, all Police Department personnel, other City departments, commissions and boards, outside agencies and the public.

Mathematical Ability

- Requires the ability to perform addition, subtraction, multiplication and division; calculate percentages and decimals; may require the ability to perform mathematical operations with fractions.

Physical Requirements

- Requires the ability to operate, calibrate, tune and synchronize, and perform complex rapid adjustment on equipment, machinery and tools such as a computer and other office machines and/or related materials used in performing essential functions.
- Ability to coordinate eyes, hands, feet and limbs in performing skilled movements such as rapid keyboard use.
- Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and pulling of objects weighing five to ten pounds.
- Requires the ability to recognize and identify similarities or differences between characteristics of colors, shapes and sounds associated with job-related objects, materials and tasks.

Environmental Adaptability

- Ability to work under safe and comfortable conditions where exposure to environmental factors is minimal and poses a very limited risk of injury.

The City of Middletown is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Agenda Item 12-4

Councilwoman Bartolotta reads and moves agenda item 12-4 for approval and her motion is seconded by Councilman Pessina. The Chair calls for discussion; seeing none, he calls for the vote on the matter. It is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Berch, and Kleckowski; and one nay vote by Councilwoman Salafia. The Chair states the matter passes with eleven affirmative votes and one in opposition.

Resolution No.
File Name
Description

205-12
pedeputychiefofpolice
Approving amending the job description for Deputy Chief of Police Nonbargaining, with change from Salary Grade 17 (\$33.21 - \$49.16) to Salary Grade 21 (\$39.40 - \$58.30)

(Approved)

Be it resolved by the Common Council of the City of Middletown: That the position of Deputy Chief of Police Salary Grade 17 Non-Bargaining (\$33.21 \$49.16) and corresponding job description be amended as recommended and the salary grade be changed to Salary Grade 21 (\$39.40 - \$58.30).

Financial Impact: Increase of \$19,012 to be funded through salary line item.
Bold – additions
{ } Italics - deletions

Title: Deputy Chief of Police
Department: Police
Date: February 2007 — Revised November 2013 Salary Grade: 17—21

Purpose of Position

The purpose of this position is to act as second-in-command of the Police Department, to oversee and supervise officers and all personnel and to ensure compliance with all applicable regulations, laws and requirements. The work is performed under the direction of the Chief of Police.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Oversees, manages and supervises police personnel; recommends candidates for hire; provides training and instruction; plans, coordinates, assigns and reviews work; maintains standards and evaluates performance. Oversees employee conduct and recommends discipline/commendation as appropriate; provides guidance and counseling.
- Establishes priorities; administers and oversees police activities to fulfill short- and long-term goals of the department. Plans and oversees the work {Patrol and Administrative divisions} of the **entire** department. **May assist the Chief or other staff in updating law enforcement technology.**
- Prepares and monitors the annual department budget; oversees all purchases including capital equipment, fleet and facilities; oversees the maintenance and readiness of the fleet; {coordinates construction of new facility with Building Committee and contractor}. **Oversees the Scheduling/Payroll function of the department; maintains full knowledge of all other division operations.**
- Analyzes and evaluates public opinion and attitudes regarding the department; responds to and resolves complaints from citizens regarding department staff/activities. Represents the department and acts as a liaison to other City officials, the public {and} ,other agencies **and community organizations.**
- Prepares and/or reviews a variety of reports, documents and correspondence regarding all department matters; prepares and implements directives, policies and procedures; reviews and approves concealed weapon permit applications and all licenses and permits; compiles and prepares statistical and narrative reports.
- Assists the Chief with labor relations; answers grievances and testifies at Labor Board hearings; maintains knowledge of and administers collective bargaining agreements and personnel rules.
- Maintains and updates knowledge of all federal and state laws and City ordinances; provides focus on current trends regarding domestic terrorism and weapons of mass destruction; attends required training.
- {Serves as Safety Officer for the department; serves on Local Emergency Planning Committee to plan for disaster response}. **May** serve as Hearing Officer for Ordinance Appeals hearings; attends a variety of meetings, councils, committees and commissions.
- Responds to all emergencies as notified and assumes command of scene as appropriate; enforces state criminal and motor vehicle laws and City Ordinances.
- Performs other related functions as assigned or required.

Minimum Training and Experience Required to Perform Essential Job Functions

A Bachelor's degree in Criminal Justice or a related field with five years of police ~~or command~~ **supervisory** experience, **with a minimum of two (2) years at the rank of Lieutenant or above, and/or** any combination of education and/or experience that provides equivalent knowledge, skills and abilities. **Candidate must be POST Police Officer Certified and possess a valid Connecticut driver's license.**

Physical and Mental Abilities Required to Perform Essential Job Functions
Language Ability and Interpersonal Communication

- Requires the ability to perform data analysis including the ability to coordinate, strategize, systematize and correlate, using discretion in determining time, place and/or sequence of operations within an organizational framework. Requires the ability to implement decisions based on such data, and oversee the execution of these decisions.

- Ability to manage and direct a group of workers, including the ability to provide counseling and mediation. Ability to persuade, convince and train others. Ability to advise and interpret regarding the application of policies, procedures and standards to specific situations.
- Requires the ability to utilize reference, descriptive, consulting, design and advisory data and information such as police reports, permits/license applications, evaluations, budgets, laws, codes, regulations, rules, contracts, legal briefs, economic analysis, and organizational analysis.
- Requires the ability to communicate orally and in writing with the Chief of Police and all department personnel, other City officials and employees, other agencies, the media and the public.

Mathematical Ability

- Requires the ability to perform addition, subtraction, multiplication and division; calculate percentages and decimals; may require the ability to perform mathematical operations with fractions,{ *algebra and geometry.*}

Physical Requirements

- Requires the ability to operate equipment, machinery and tools such as a computer and other office machines, vehicles, firearms, and/or related materials used in performing essential functions.
- Ability to coordinate eyes, hands, feet and limbs in performing skilled movements such as discharging a firearm.
- Tasks involve the ability to exert physical effort which may involve some lifting, carrying, pushing and pulling of objects {weighing five to ten pounds}. **In conjunction with both administrative or sworn police enforcement functions.**
- Requires the ability to recognize and identify similarities or differences between characteristics of colors, shapes and sounds associated with job-related objects, materials and tasks.

Environmental Adaptability

- Ability to work under **generally** safe and comfortable conditions **but** where exposure to environmental factors poses a risk of injury.
- **May be exposed to: blood, body tissues or fluids; hazardous wastes or chemicals; radiation; high, low or fluctuating temperatures; humidity or wetness; seasonal outdoor weather; grease, oil or dust; toxins, cytotoxins or poisonous substances; electrical hazards and burns; bodily injuries; loud or unpleasant noises. This list is not meant to be all inclusive of hazards.**

The City of Middletown is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Agenda Item

12-5

Councilman Faulkner reads and moves for approval agenda item 12-5; his motion is seconded by Councilwoman Kasper. The Chair asks if there is any discussion.

Motion to Amend

Councilman Klattenberg states during questions to directors he raised a question on substitute language and Director Milardo indicated that the suggestion in Sentence 4 the “Mayor or his designee may set forth the discipline,” she agreed that the range of options starts with consultation and the word “shall” could be substituted for “may”. Councilman Pessina seconds the motion.

Point of Information

Councilwoman Kasper is recognized and states she had asked the same question and it was a recommendation of the carrier of insurance not to make it mandatory.

Noted for the Record

Councilwoman Bartolotta leaves the meeting at 9:33 p.m.

Councilman Klattenberg states the language is loose and in a situation where there is an at-fault accident, consultation is fact finding and it doesn’t predetermine disciplinary action. That seems fundamental and that there has to be a consultation and the suggestion was change the word to shall. Councilwoman Kasper responds CIRMA objected to that and wanted it left at may so we would not be guilty of discriminating against the employee. Councilman Pessina states conversely you can get into litigation as well. Fact finding in any accident and then move forward and he disagrees with CIRMA. Councilwoman Salafia states under our union contract consultation was not an investigation of an accident but used as a verbal reprimand of employees. That was done and the consultation was a further warning; it was a disciplinary function. Councilman Pessina states we are talking semantics. Consultation is talking to someone about it counseling is disciplinary. Maybe it is the use of the word consultation. Councilman Serra states it is in the application of the management side and it is management’s responsibility to do this. I believe shall should be the word. Councilman Berch states he has worked for various companies and nothing in this resolution includes training.

The Chair hearing no further discussion, calls for the vote on the amendment. It is nine aye votes by Council Members Serra, Klattenberg, Santangelo, Faulkner, Pessina, Bibisi, Salafia, Berch, and Kleckowski and two nay votes by Council Members Daley and Kasper. The Chair states the matter passes with nine affirmative votes and two in opposition. Councilwoman Bartolotta was not present for the vote.

The Chair calls for the vote on the underlying resolution. It is ten aye votes by Council Members Serra, Klattenberg, Daley, Santangelo, Faulkner, Pessina, Bibisi, Salafia, Berch, and Kleckowski and one nay vote by Councilwoman Kasper. The Chair states the matter passes with ten affirmative votes and one in opposition.

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| Resolution No. | 206-12 |
| File Name | pe7212Amendperrulesatfaultaccidentres |
| Description | Personelrulesvehicleamendment |
| (Amended and Approved) | Approving the amendments to the Personnel Rules under the Municipal Vehicles section to include Section 5 <u>At Fault Accidents</u> effective upon ratification by the Common Council to include an amendment in sentence 4, changing “May” to “shall.” |

Be it resolved by the Common Council of the City of Middletown: That the Personnel Rules be amended under the Municipal Vehicles section to include Section 5, At Fault Accidents, effective upon ratification by the Common Council.

Fiscal Impact: None

(Under Municipal Vehicles, a new Section 5, AT-FAULT ACCIDENTS)

Sec. 5 AT FAULT ACCIDENTS

Municipal employees who have one or multiple at fault accidents may be subject to progressive discipline, in accordance with the respective Collective Bargaining up to and including termination of employment. The above guidelines can be amended should loss of life occur or if damages are at fault and over \$5,000.00 for a total claim. Weather conditions may be given weighted consideration in modifying discipline. Only the Personnel Review Commission may amend this policy. The Mayor or his/her designee shall set forth the discipline to include a consultation up to a termination of employment. An employee may grieve any discipline imposed in accordance with a grievance procedure as applicable. A monthly report will be submitted to the Personnel Review Commission showing claims and discipline.

Middletown Police may be expected to cite municipal employees in accordance with the laws of the State of Connecticut as set forth in the Connecticut General Statutes. Municipal Commercial Driver’s License (CDL) employees who receive a written warning are subject to mandatory drug and alcohol testing per Department of Transportation (DOT) regulations.

Employees will be required to attend retraining at any point during the at-fault cycle.

All new employees, who as a condition of employment operate a City of Middletown motor vehicle, will be mandated to attend a safe driving class upon hire and availability of class.

Sec. 6 EXEMPTIONS

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| Agenda Item | 12-6 |
| | Councilman Daley reads and moves for approval agenda item 12-6; his motion is seconded by Councilman Santangelo. Councilman Berch states he is in favor of the resolution but not in favor on how we got to this point. He would like to know how we got there. Eli Canon’s went through hardship during the construction of the Community Health Center and that parking lot can be utilized by that area after 7 p.m. His question is why did we get to where we are to rent this parking lot and will we have to revisit it in six months. Councilman Daley responds they have been renting the parking area for a couple of years and the project and development of new parking that was part of the plan with the new Community Health Center building disrupted the parking for Eli Canon’s and part was to develop this new parking area and there have been delays. They have experienced delays because of the taking of the property and environmental remediation needs to be done and funding will be available at the start of the new year and they had to renew the lease for an additional six months and it is a hardship and it is not just Eli Cannons there are |

other businesses that are relying on parking that has not come to fruition. We expect to move forward with a larger parking area and Emery’s said they would not extend the lease beyond the next six months. It seems a reasonable thing to do and there will be improved signage to let the public become aware of the parking. Councilman Berch states through the Chair he appreciates the explanation and his question was on the delay; he was asked about the delay and that has not been defined and there is no dispute about the money. Councilman Daley replies the initial delay is the eminent domain process which has taken longer with the property owner.

The Chair, hearing no further discussion, calls for the vote. It is unanimous to approve with eleven aye votes. The Chair states the matter passes unanimously with eleven affirmative votes.

Resolution No.
File Name
Description

207-12
PCDEliCannonsParking
Approving reimbursing Eli Cannon’s on a monthly basis of \$1,000 for six months for renting parking for a total of \$6,000 from the owners of the privately owned trolley barn property on Kings Avenue to be used for all businesses in the area north of Rapallo Avenue and authorizing the Mayor to execute agreements establishing a new line item in the Economic Development Fund Entitled: “Eli Cannons/NORA Parking” and approving the transfer of \$6,000 into the new line item from the Economic Development Fund Balance.

(Approved)

Whereas, the north end of downtown Middletown has experienced over \$50 million in new development in the past five (5) years and a loss of approximately 178 public parking spaces; and

Whereas, new development on parking lots fronting on Main Street is highly desirable but at the same time creates a need for replacement parking; and

Whereas, the city is in the process of creating 79 additional public parking spaces to the rear of Main Street buildings but legal complications and the process to expend federal funds delays implementation; and

Whereas the existing and new businesses north of Rapallo Avenue are feeling the brunt of the parking shortage due to the loss of the 55 space lot at the corner of Main and Grand; and

Whereas, at the October 16, 2012 special meeting of the Economic Development Committee, the committee voted unanimously to approve and send to the Council an allocation of \$6,000 from the Economic Development Fund to reimburse Eli Cannon’s on a monthly basis for renting parking from the owners of the trolley barn property on Kings Avenue to be used for all businesses in the area north of Rapallo Ave.

Now, therefore, be it resolved by the Common Council of the City of Middletown: That \$6,000 is allocated to reimburse Eli Cannon’s on a monthly basis, \$1,000 per month for 6 months, for renting parking from the owners of the privately owned trolley barn property on Kings Avenue to be used for all businesses in the area north of Rapallo Ave.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute necessary agreements and a line item 4330-14000-xxxxx-xxxx-xxxx-xxxx-xxx “Eli Cannons/NORA Parking” be established in the Economic Development Fund and the sum of \$6,000 be transferred from the Economic Development Fund general balance into said line item.

FISCAL IMPACT – There will be no impact on the General Fund. The \$6,000 parking funding will be paid from the Economic Development Fund.

Agenda Item

12-7

Councilman Daley reads and moves for approval agenda item 12-7; his motion is seconded by Councilman Serra. There is no discussion. The vote is called and it is unanimous to approve with eleven aye votes. The Chair states the matter passes unanimously with eleven affirmative votes.

Resolution No.
File Name
Description

208-12
PCDPACEprogramFinal – for merge
PCDPACE-CEFIA-MuniLegalagreement10Y12
Approving the C-PACE agreement between the City of Middletown and the Clean Energy Finance and Investment Authority for a program known as the Commercial Property Assessed Clean Energy Program; and authorizing the Mayor to sign on behalf of the City the C-PACE Agreement with other documents as necessary for this agreement.

(Approved)

RESOLUTION TO APPROVE
COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (“C-PACE”) AGREEMENT

WHEREAS, Section 157 of Public Act No. 12-2 of the June 12, 2012 Special Session of the Connecticut General Assembly (the “Act”) established a program, known as the Commercial Property Assessed Clean Energy (C-PACE) program, to facilitate loan financing for clean energy improvements to commercial properties by utilizing a state or local assessment mechanism to provide security for repayment of the loans; and

WHEREAS, the Act authorizes the Clean Energy Finance and Investment Authority (the “Authority”), a public instrumentality and political subdivision of the State charged with implementing the C-PACE program on behalf of the State, to enter into a written agreement with participating municipalities pursuant to which the municipality may agree to assess, collect, remit

and assign, benefit assessments to the Authority in return for energy improvements for benefited property owners within the municipality and for costs reasonably incurred by the municipality in performing such duties; and

WHEREAS, the Commercial Property Assessed Clean Energy (“C-PACE”) Agreement (the “C-PACE Agreement”) between the City of Middletown and the Authority, as attached hereto, constitutes the written agreement authorized by the Act; and

WHEREAS, implementation of the program in the City of Middletown will set Middletown apart from the majority of other cities and towns in Connecticut in that the program offers low cost 100% financing specifically for energy improvements to commercial, industrial and multifamily properties here in the city; and

WHEREAS, the improvements to buildings within Middletown will create work for existing electrical, HVAC, plumbing and other trades which will in turn benefit the local economy through increased spending and hiring of new employees; and

WHEREAS such improvements are required by state legislation to reduce the properties energy costs more than the cost associated with the financing thereby making the property more profitable and more likely to remain in business in Middletown, retain existing levels of employment, hire new employees and expand the grand list.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: that we, the Common Council, constituting the legislative body of the City of Middletown, hereby approves the C-PACE Agreement, and

BE IT FURTHER RESOLVED that Mayor Daniel T. Drew is hereby authorized on behalf of the City, to execute and deliver the C-PACE Agreement, substantially in the form attached to this Resolution, for the purposes provided therein, together with such other documents as he may determine to be necessary and appropriate to evidence, secure and otherwise complete the C-PACE Agreement.

Fiscal Impact – The program allows Clean Energy Finance and Investment Authority to reimburse the municipality for any and all of the costs of implementation. This costs could include promoting the and collecting the revenue and sending the revenue collected back to Clean Energy Finance and Investment Authority.

Committee Action – Both Economic Development and Clean Energy Task Force forwarded this resolution to the Common Council.

Agenda Item **12-8**

Councilman Klattenberg reads and moves for approval agenda item 12-8; his motion is seconded by Councilman Pessina. Hearing no discussion, the Chair calls for the vote. It is unanimous to approve with eleven aye votes. The Chair states the matter passes unanimously with eleven affirmative votes.

[illegible]

209-12
ccSouthGreenlightingProjectFund transferred
 Approving the transfer of \$10,000 from line item 1000-265000-59200-0724
 into line item 1000-27000-57030-0708, Community – Cultural Event to fund
 the South Green Holiday Tree Lighting Project.

(Approved)

WHEREAS, during the 2012-13 budget process, the Common Council added funding for the South Green Holiday Tree Lighting Project; and

WHEREAS, \$10,000 was added to line item 1000-26500-59200-0724-00000-0000-000, Matching Grants; and

WHEREAS, it was not the intention of the Common Council to have this funding be a matching grant program.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the funds be transferred to 1000-27000-57030-0708-00000-0000-000, Community – Cultural Event line item in the 2012-13 City of Middletown budget.

Agenda Item **12-9**

Councilman Berch reads and moves agenda item 12-9 for approval and his motion is seconded by Councilman Faulkner. There is no discussion. The Chair calls for the vote and it is unanimous to approve with eleven aye votes. The Chair states the matter passes unanimously with eleven affirmative votes.

| Resolution No. | File Name | Description |
|-----------------------|------------------|--------------------|
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210-12
pwlocipappasbestosremmunstoragerm
Authorizing the Mayor to apply to the State of Connecticut for a \$15,000
Local Capital Improvement Program grant for asbestos abatement design,
removal, and monitoring services in the municipal building storage room;
approving creating a new Capital Improvement Line Item, account
Number 3560-22000-57030-30176-2012 entitled Municipal Building Storage
Room Asbestos Removal in the amount of \$15,000.

(Approved)

Be It Resolved by the Common Council of the City of Middletown: That Mayor Daniel T. Drew be authorized to sign an application to the State of Connecticut for \$15,000 from the Local Capital Improvement Program (LOCIP) for asbestos abatement design, abatement removal and monitoring services in Municipal Building storage room; and

AND BE IT FURTHER RESOLVED: That a new Capital Improvement line item, 3560-22000-57030-0000-30176-2012-0000-000, entitled Municipal Building Storage Room Asbestos Removal, in the amount of \$15,000 be added.

Agenda Item

12-10

Councilman Serra reads and moves agenda item 12-10 for approval and his motion is seconded by Councilman Pessina. The Chair calls for discussion; seeing none, he calls for the vote. It is unanimous to approve with eleven aye votes. The Chair states the matter passes unanimously with eleven affirmative votes.

Ordinance No.
File Name
Description

25-12
sec74-7AsstRegVoters
Approving a new Section 74-7 Insurance Benefits for Assistant Registrars of Voters be added to Chapter 74 of the Middletown Code of Ordinances to allow those individuals the same health insurance benefits afforded to members of AFSCME Local 466.

(Approved)

Be it ordained by the Common Council of the City of Middletown: That a new Sec. 74-7. Insurance Benefits for Assistant Registrars of Voters. be added to Chapter 74 of the Middletown Code of Ordinances to read as follow:

Sec. 74-7. Insurance Benefits for Assistant Registrars of Voters.

The Assistant Registrars of Voters shall receive the same health insurance benefits that are afforded to the members of AFSCME Local 466.

Agenda Item

12-11

Councilman Daley reads and moves for approval agenda item 12-11; his motion is seconded by Councilman Pessina. Councilman Serra states he would like to use this time to congratulate the Council Clerk, again for \$83,250 for a grant received for the equipment in the Chamber. The Chair states the Clerk does go above and beyond her duties.

Councilman Faulkner is recognized and asks if they are saying print notices will disappear; this is addition to. The response is yes. The Chair calls for the vote and it is unanimous to approve with eleven aye votes. The Chair states the matter passes unanimously with eleven affirmative votes.

Ordinance No.
File Name
Description

26-12
Sec23-2
Approving amending Section 23-2 Notice and agenda for regular meetings of Chapter 23 of the Middletown Code of Ordinances to add electronic notice of the time and place of the meeting.

(Approved)

Be it ordained by the Common Council of the City of Middletown: That Section 23-2, Notice and agenda for regular meetings, of Chapter 23 of the Middletown Code of Ordinances be amended to read as follows:

Notice of regular meetings shall be given by a written, [or] printed, **or electronic** notice which shall state the time and place of the meeting and shall include an agenda as required by the General Statutes. The notice shall be signed by the Mayor, Deputy Mayor or Council members calling the meeting and shall be directed to the Chief of Police to serve and make return to the Council Clerk. Service shall be made by leaving a copy of the notice, including the agenda, with or at the usual place of abode or place of business of each member of the Common Council, or by service in hand of said Council member, or the Council Clerk if said member so designates, **or electronically to the member's electronic mail address.** Service shall be made at least 48 hours before the meeting and the return shall be made at least three hours before the meeting. The agenda for each regular meeting shall be available to the public and shall be filed with the City/Town Clerk not less than 24 hours before the meeting to which it refers.

Agenda Item

13

Description

(Approved)

Mayor's Appointments

The Mayor reads his appointments and asks for a motion to approve. The Chair states Mr. King is with us this evening and asks him to come forward to introduce himself. Mr. King states he lives in town and he has been resident for 6-1/2 years and looks forward to the opportunity to serve on the Citizen Advisory Committee to improve the quality of life for residents.

Councilman Serra moves the appointments for approval and is seconded by Councilman Pessina. He thanks Mr. King for volunteering. The vote is called and it is unanimous to approve with eleven aye votes. The Chair states the matters pass unanimously with eleven affirmative votes.

Citizens Advisory Committee:
Appointment of Sean King to August 31, 2015.

Inland/Wetlands Water Courses Agency:

Appointment of Michelle T. Ford to October 31, 2015.
Reappointment of Fred Terrasi to October 31, 2015.
Reappointment of Daniel Pelletier to October 31, 2015.

Inland/Wetlands Water Courses Agency, Alternate:
Reappointment of Ron Borrelli to October 31, 2017.

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| Agenda Item | 14 |
| Description | Contingency Fund Transfer |

There are no contingency fund transfers.

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| Agenda Item | 15 |
| Description | Questions to Directors, Nonagenda Items |

The Chair asks if there are any questions to directors on nonagenda items. Hearing none, he states he will entertain a motion to adjourn.

Motion to Adjourn Councilman Serra moves to adjourn and his motion is seconded by Councilman Klattenberg. The Chair calls for the vote and it is unanimous with eleven aye votes. The Chair declares the meeting adjourned at 9:50 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk